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7 GARRED F. NORMAN,  
8 Plaintiff,  
9 v.  
10 THE WHITE HOUSE, et al.,  
11 Defendants.

Case No. [22-cv-05154-JSC](#)

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**SCREENING ORDER PURSUANT TO  
28 U.S.C. § 1915**

18 Re: Dkt. No. 1

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20 The Court has granted Plaintiff's application to proceed in forma pauperis and therefore is  
21 required to review the sufficiency of Plaintiff's complaint to determine whether it satisfies 28  
22 U.S.C. § 1915(e)(2)(B). For the reasons set forth below, the Court finds that Plaintiff's claims are  
23 insufficiently pled. Pursuant to 28 U.S.C. § 1915, the complaint is DISMISSED. Plaintiff may  
24 file an amended complaint on or before October 24, 2022.

25  
**BACKGROUND**

26  
**I. The Complaint**

27 Plaintiff names 34 individuals and entities as defendants in this matter. (Dkt. No. 1 at 3–  
28 7.) In his “statement of facts,” Plaintiff alleges the Federal Bureau of Investigation (“FBI”)  
drugged him and attempted to entrap or frame him for a murder. He also states that FBI Agents  
(1) killed a man in San Pedro, California; (2) “sold crack cocaine that lead [sic] to a Genocide on  
Black Americans”; (3) attempted to murder his father and mother in law; (4) “infused Plaintiff  
with some powerful drugs to alter his mind so that he might become psychotic and murder his  
daughter”; (5) gave Plaintiff drugs to give to his daughter; (6) physically abused his other  
daughter; and (7) dated his mother and aided in her untimely death. (*Id.* at 8–11.) Plaintiff also  
believes that “an FBI agent, who went by the name of Sonnyman the Sandwich man entrapped

1 [him] to be sexually assaulted and hung [him] over an overpassed freeway in downtown Los  
2 Angeles.” (*Id.* at 11.)

3 He lists that his claims arise under *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S.  
4 388 (1971) and 42 U.S.C. §§ 1983 and 1985. Under “Demand for Relief,” Plaintiff states that he  
5 paid the Alameda, Sacramento, and Santa Clara County Bar Associations and hasn’t yet received  
6 legal services. (*Id.* at 12.) He requests that other defendants “intervene to ensure that [his]  
7 fundamental[] rights are upheld to retain an attorney.” (*Id.*)

8 Plaintiff also attaches a series of documents to the complaint. First, he attaches a list of 38  
9 legal rights, terms, and crimes. (*Id.* at 14.) Next, he attaches a copy of “General Order 25,” which  
10 discusses this Court’s authority to appoint pro bono counsel. (*Id.* at 15.) Third, he attaches two  
11 letters outlining the FBI abuses listed above. (*Id.* at 19–26.) The addresses below each letter list  
12 various public officials as recipients. Finally, Plaintiff includes a list of 242 “accusations,” which  
13 include questions such as “1. Who is my x sister in law, Christine Capuyan, does she work for the  
14 FBI?”—and allegations such as “6. I believe FBI agents caused an unnecessary physical  
15 altercation with me at a nightclub in San Jose, CA.” (*Id.* at 27–42.)

## 16 II. Plaintiff’s Previous Cases in this Court

17 Plaintiff has filed at least five cases in this Court with similar allegations and many of the  
18 same legal documents.

### 19 1. 18-cv-6658 MMC

20 Plaintiff attempted to file a complaint in this Court naming the FBI as the sole defendant.  
21 He alleged that the FBI violated his constitutional rights by conspiring to frame him for a murder  
22 he did not commit; “stalking” his family and “interfering” with his marriage; interfering with his  
23 real estate business by diverting customers; calling him by a racial epithet, battering him and using  
24 a vicious dog on him; using “kill switches” to run his family off the road; and overmedicating and  
25 battering his daughter. (Case No. 18-cv-6658, Dkt. No. 1.) The Court denied Plaintiff’s request to  
26 file the complaint in forma pauperis without prejudice. (*Id.*, Dkt. No. 8.) Plaintiff never amended  
27 his application, and the case was dismissed without prejudice. (*Id.*, Dkt. No. 14.)

1           **2.       19-cv-1173 MMC**

2           Plaintiff again sued the FBI and added as defendants the State Bar of California, the  
3           Alameda County Bar Association and Attorney John Burris. The allegations in that case relate  
4           only to the FBI; there are no factual allegations relating to the other defendants. The allegations  
5           relating to the FBI repeat allegations in Case No. 18-cv-6658, discussed above. (*See* Case No. 19-  
6           cv-1173, Dkt. No. 1.) The Court again denied Plaintiff's application to proceed in forma pauperis  
7           on the basis that he did not submit sufficient information to allow it to determine whether he was  
8           indigent. (*Id.*, Dkt. No. 10.) As Plaintiff did not file an amended application or pay the filing fee,  
9           that case also was dismissed without prejudice. (*Id.*, Dkt. No. 16.)

10           **3.       20-cv-1042 VC**

11           Plaintiff filed another lawsuit in this Court, naming as defendants the State Bar of  
12           California, the Alameda County Bar Association, the East Bay Community Law Center, and  
13           attorney John Burris. (Case No. 20-cv-1042, Dkt. No. 1.) In that case, he asserted that his  
14           Constitutional right to an attorney under the Sixth and Fourteenth Amendments was violated. (*Id.*)  
15           The Court granted Plaintiff's amended application to file in forma pauperis but dismissed the  
16           complaint under 28 U.S.C. § 1915. (*Id.*, Dkt. No. 10.) The Court explained:

17           Norman alleges violations of his constitutional rights under the Sixth  
18           and Fourteenth Amendments because various defendants did not  
19           provide him with legal representation and were otherwise involved in  
20           a murder conspiracy. The Sixth Amendment right to counsel applies  
21           only in criminal proceedings. *Turner v. Rogers*, 564 U.S. 431, 441  
22           (2011). Norman's complaint does not provide any allegations  
23           regarding criminal proceedings (other than a vague allegation that  
24           Norman was "falsely accused of murder"), much less plausible  
25           allegations that the defendants, acting under color of state law,  
26           deprived Norman of counsel during those proceedings. *Broam v.  
Bogan*, 320 F.3d 1023, 1028 (9th Cir. 2003). Similarly, the complaint  
27           does not allege facts that plausibly give rise to a claim for violation of  
28           Norman's due process right to counsel. *Turner*, 564 U.S. at 442-43  
         (noting presumption that "an indigent litigant has a right to appointed  
         counsel only when, if he loses, he may be deprived of his physical  
         liberty").

26           (*Id.* at 1-2.) The Court granted leave to amend but Plaintiff never filed an amended complaint.  
27           The Court then dismissed the case with prejudice.

1           **4.       22-cv-2390 AGT**

2           Earlier this year, Plaintiff filed another lawsuit against the State Bar of California, the  
3           Alameda County Bar Association, the East Bay Community Law Center, and attorney John  
4           Burris. That case is still pending.

5           **5.       22-cv-02627 VC**

6           Just weeks after filing Case No. 22-cv-2390, Plaintiff filed another lawsuit in this Court.  
7           This time, Plaintiff sued the FBI, the State Bar of California, the Alameda County Bar  
8           Association, the East Bay Community Law Center, attorney John Burris, and the Asian Law  
9           Alliance. (Case No. 22-cv-02627, Dkt. No. 1.) Plaintiff asserted claims under “42 U.S.C. §§ 1983  
10          and 1985 and the Fourteenth Amendment.” (*Id.*) In the statement of facts, he alleged that he paid  
11          for legal services but never received legal referral services. (*Id.*) Plaintiff also filed the list of  
12          “accusations,” letters, and the copy of General Order 25 attached to the complaint in this matter.  
13          (*Id.*, Dkt. No. 5.) His demand for relief requested that the Court compel the FBI to stop interfering  
14          with his legal rights to obtain counsel and stated that he was “seeking legal support from the  
15          following agencies and attorneys attached to this complaint.” (*Id.*, Dkt. No. 1.)

16           The Court issued an Order that Plaintiff should show cause why the case should not be  
17          dismissed. (*Id.*, Dkt. No. 8.) The Court informed Plaintiff that the Complaint failed to state a  
18          claim because (1) the claims were duplicative with Plaintiff’s earlier dismissed lawsuit (No. 20-cv-  
19          1042), and (2) Plaintiff failed to state a plausible claim that any defendant violated his Fourteenth  
20          Amendment rights or conspired to commit a civil rights violation. (*Id.*) In addition, the Court  
21          stated that the “hundreds of alleged violations and accusations in the attachment to his Complaint”  
22          were “too vague and conclusory to state any plausible claim,” and were “fanciful and therefore  
23          frivolous within the meaning of 28 U.S.C. § 1915.” (*Id.*) Plaintiff did not show cause to maintain  
24          his suit and the case was dismissed with prejudice in August 2022. (*Id.*, Dkt. No. 19.)

25           **DISCUSSION**

26           When a plaintiff is granted leave to proceed in forma pauperis, courts must engage in  
27          screening and dismiss any claims which: (1) are frivolous or malicious; (2) fail to state a claim on  
28          which relief may be granted; or (3) seek monetary relief from a defendant who is immune from

such relief. 28 U.S.C. § 1915(e)(2)(B); *see Marks v. Solcum*, 98 F.3d 494, 495 (9th Cir. 1996). The “term ‘frivolous,’ when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

#### I. Legal Standard

To state a claim for relief, a plaintiff must make “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Further, a claim may be dismissed for “failure to state a claim upon which relief can be granted.” Fed. R. Civ. P. 12(b)(6); *see also Diaz v. Int'l Longshore and Warehouse Union, Local 13*, 474 F.3d 1202, 1205 (9th Cir. 2007). In determining whether a plaintiff fails to state a claim, the court takes “all allegations of material fact in the complaint as true and construe[s] them in the light most favorable to the nonmoving party.” *Cedars-Sinai Med. Ctr. v. Nat'l League of Postmasters of U.S.*, 497 F.3d 972, 975 (9th Cir. 2007). However, “the tenet that a court must accept a complaint’s allegations as true is inapplicable to legal conclusions [and] mere conclusory statements,” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)), and courts “do not necessarily assume the truth of legal conclusions merely because they are cast in the form of factual allegations.” *Coto Settlement v. Eisenberg*, 593 F.3d 1031, 1034 (9th Cir. 2010) (internal quotation marks omitted). The complaint need not contain “detailed factual allegations,” but must allege facts sufficient to “state a claim to relief that is plausible on its face.” *Id.* at 678 (citing *Twombly*, 550 U.S. at 570).

Where the complaint has been filed without a lawyer’s assistance, courts must “construe the pleadings liberally . . . to afford the petitioner the benefit of any doubt.” *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010). “A pro se litigant must be given leave to amend his or her complaint unless it is absolutely clear that the deficiencies in the complaint could not be cured by amendment.” *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987), superseded on other grounds by statute, as recognized in *Lopez v. Smith*, 203 F.3d 1122 (9th Cir. 2000) (en banc). Further, when it dismisses the complaint of a pro se litigant with leave to amend, “the district court must provide the litigant with notice of the deficiencies in his complaint in order to ensure that the litigant uses the opportunity to amend effectively.” *Id.* (quoting *Ferdik v. Bonzelet*, 963 F.2d 1258,

1 1261 (9th Cir. 1992)). “Without the benefit of a statement of deficiencies, the pro se litigant will  
2 likely repeat previous errors.” *Karim-Panahi v. L.A. Police Dep’t*, 839 F.2d 621, 624 (9th Cir.  
3 1988) (quoting *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987)).

4 **II. Analysis**

5 Applying this standard, Plaintiff’s complaint fails to state a claim upon which relief can be  
6 granted. Plaintiff’s complaint does not state any plausible, specific factual allegations suggesting  
7 any of the named defendants violated his civil rights or conspired to violate his civil rights. While  
8 Plaintiff describes various FBI actions that allegedly violated his rights, Plaintiff mostly refers to  
9 the FBI and “FBI Agents” in general. While he specifically references an agent known as  
10 “Sonnyman the Sandwich man,” that person is not named as a defendant in this action. The FBI is  
11 not a “person” suable under 42 U.S.C. Sections 1983 and 1985. The *Bivens* doctrine does allow  
12 suit in certain circumstances against federal officials. Under *Bivens* a plaintiff may sue federal  
13 officers in their individual, rather than official capacity. *Bivens v. Six Unknown Named Agents*,  
14 403 U.S. 388, 397 (1971). But Plaintiff does not describe the actions of any specific, identifiable  
15 individual defendant. And federal agencies may not be sued in a *Bivens* Action. *F.D.I.C. v.*  
16 *Meyer*, 510 U.S. 471, 484–86 (1994).

17 In sum, Plaintiff’s allegations are insufficient to state a claim. Indeed, while the  
18 allegations here are slightly different from those in Case No. 22-cv-2627, many of the allegations  
19 in this complaint and the attached documents also appear to be “fanciful” and therefore frivolous  
20 within the meaning of 28 U.S.C. § 1915. See *Neitzke*, 490 U.S. at 325.

21 **CONCLUSION**

22 Pursuant to 28 U.S.C. § 1915, the complaint is DISMISSED with leave to amend. Any  
23 amended complaint must be filed on or before October 24, 2022.

24 **IT IS SO ORDERED.**

25 Dated: September 26, 2022

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JACQUELINE SCOTT CORLEY  
United States District Judge